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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,300	11/14/2003	Larry Schlatre	16980/100547-00	4036

7590 08/30/2006

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EXAMINER
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ARTHUR JEANGLAUD, GERTRUDE

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,300	SCHLATRE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gertrude Arthur-Jeanglaude	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/14/03, 1/31/05</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1, 22, 24-25 are objected to because of the following informalities: In claim 1, all means in parentheses should be removed; also the word "adapted to" at line 4 is not a positive recitation.

Claim 22, 24, the word "adapted to" throughout the claims is not a positive recitation.

In claim 25, a period is required to mark the end of the claim not two periods . Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 2, the phrase "comprising a series of a means" is unclear.

Claims 2-8 are rejected for incorporating the deficiencies of their base claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16, 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kapolka et al. (U.S. Pub 20040138790).

As to claims 1, 22, 24, Kapolka et al. disclose a system for managing fleet (See paragraph 0023, 0092, 0095) vehicle preventative maintenance requirements comprising a series of a means to transmit a vehicle maintenance trigger to a remote station (See paragraph 0086), each of the series of the means to transmit positionable on one of vehicles in the fleet and adapted to receive maintenance trigger signals from the vehicle; a means to determine maintenance requirements of a vehicle based upon a transmitted maintenance trigger, the means to determine located remotely from the fleet of vehicle and communicating periodically with each of the means to transmit; and a means to alert maintenance personnel of vehicles (See paragraph 0091) requiring maintenance as identified (See paragraph 0092) by the means to determine, the means to alert communicating with the means to determine, the means to alert (See paragraph 0091) being remote from the means to determine.

As to claims 2, 23, Kapolka et al. disclose the means to transmit further transmits a vehicle identifier (See paragraph 0092); and periodic transmission (See Fig.6; 604, fig.7).

As to claims 3, 25, Kapolka et al. disclose the means to determine includes a computer communicating to the means to transmit and the means to alert through a network (See paragraph 0038).

As to claim 4, Kapolka et al. disclose the means to alert further comprises a touch screen (See paragraph 0054).

As to claims 5-6, Kapolka et al. disclose the means to alert further comprises a computer station having a visual display device and can also be inherently a personal digital assistant (See paragraph 0054).

As to claim 7, Kapolka et al. disclose having a computer readable memory accessible by the means to determine, the memory having stored therein vehicle specific maintenance schedules indicating recommended maintenance intervals for scheduled maintenance, each scheduled maintenance having associated maintenance tasks (See paragraph 0082).

As to claim 8, Kapolka et al. disclose the vehicle specific maintenance schedules contains recommended parts associated with each maintenance task (See Fig.1 for vehicle history and diagnostics).

As to claim 9, Kapolka et al. disclose in combination with a computer system comprising a host processor and a database accessible by the host processor and at least one maintenance response station communicating with the host processor, the database having stored thereon vehicle specific maintenance schedules indicating recommended maintenance intervals for scheduled maintenance, each scheduled maintenance having associated maintenance tasks, a method of managing the preventative maintenance requirements on a fleet of vehicles, (See paragraph 0002, 0003, Fig. 3B) the method comprising the steps of

a. periodically receiving signals at the host processor containing maintenance trigger data associated with a specific vehicle in the fleet of vehicles; (See paragraph 0007);

b. comparing each of the received maintenance trigger data to maintenance schedule data; c. for each comparison in step b, determining whether maintenance is indicated on the vehicle associated with the maintenance trigger data; (See Fig. 5, 6)

d. if maintenance is indicated, identifying the vehicle at the vehicle response station. (See paragraph 0092).

As to claim 10, Kapolka et al. disclose receiving a request from at least one of the response stations to detail the scheduled maintenance associated with identified vehicle and in response to the request, displaying the maintenance tasks associated with the maintenance at the response station (See Fig. 4, paragraph 0054, 0092).

As to claims 11-16, 26, Kapolka et al. disclose the steps of receiving a request from the response station to create a maintenance work order for the identified vehicle and the indicated maintenance, and in response to the request, opening in the database a work order record, and displaying portions of the open work order record at the requesting response station; and also discloses the fleet vehicles are mechanized outdoor application vehicles (See Fig. 3A, 4; paragraph 0054).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

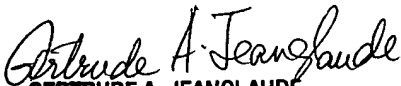
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(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAJ

  
GERTRUDE A. JEANGLAUDE  
PRIMARY EXAMINER